

**Effective 7/1/2015**

**57-3-106 Original documents required -- Captions -- Legibility.**

- (1) A person may not present and a county recorder may refuse to accept a document for recording if the document does not comply with this section.
- (2)
  - (a) Unless otherwise provided, a document presented for recording in the office of the county recorder shall:
    - (i)
      - (A) be an original; or
      - (B) be an electronic document that satisfies the requirements under Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act;
    - (ii) contain a brief caption on the first page of the document stating the nature of the document; and
    - (iii) contain a legal description of the property as required under Section 57-3-105.
  - (b) If a document is a master form, as defined in Section 57-3-201, the caption required by Subsection (2)(a)(ii) shall state that the document is a master form.
- (3) A court judgment or an abstract of a court judgment presented for recording in the office of the county recorder in compliance with Section 78B-5-202 shall:
  - (a) be an original, a certified copy, or an electronic document that satisfies the requirements under Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act; and
  - (b) include the information identifying the judgment debtor as referred to in Subsection 78B-5-201(4)(b) either:
    - (i) in the judgment or abstract of judgment; or
    - (ii) as a separate information statement of the judgment creditor as referred to in Subsection 78B-5-201(5).
- (4) A judgment, abstract of judgment, or separate information statement of the judgment creditor does not require an acknowledgment, a legal description, or notarization to be recorded.
- (5) A foreign judgment or an abstract of a foreign judgment recorded in the office of a county recorder shall include the affidavit as required in Section 78B-5-303.
- (6) Any document recorded in the office of the county recorder to release, assign, renew, or extend a judgment lien shall include:
  - (a) the name of any judgment creditor, debtor, assignor, or assignee;
  - (b) the date on which the instrument creating the lien was recorded in the office of the county recorder;
  - (c) the entry number and book and page of the recorded instrument creating the judgment lien; and
  - (d) the date on which the document is recorded.
- (7) A document presented for recording shall be sufficiently legible for the recorder to make certified copies of the document.
- (8)
  - (a)
    - (i) A document that is of record in the office of the appropriate county recorder in compliance with this chapter may not be recorded again in that same county recorder's office unless the original document has been reexecuted by all parties who executed the document.
    - (ii) Unless exempt by statute, an original document that is reexecuted shall contain the appropriate acknowledgment, proof of execution, jurat, or other notarial certification for all parties who are reexecuting the document as required by Title 46, Chapter 1, Notaries Public Reform Act, and Title 57, Chapter 2, Acknowledgments.

- (iii) A document submitted for rerecording shall contain a brief statement explaining the reason for rerecording.
- (b) A person may not present and a county recorder may refuse to accept a document for rerecording if that document does not conform to this section.
- (c) This Subsection (8) applies only to documents executed after July 1, 1998.
- (9) Minor typographical or clerical errors in a document of record may be corrected by the recording of an affidavit or other appropriate instrument.
- (10)
  - (a) Except as required by federal law, or by agreement between a borrower under the trust deed and a grantee under the trustee's deed, and subject to Subsection (10)(b), neither the recordation of an affidavit under Subsection (9) nor the reexecution and rerecording of a document under Subsection (8):
    - (i) divests a grantee of any real property interest;
    - (ii) alters an interest in real property; or
    - (iii) returns to the grantor an interest in real property conveyed by statute.
  - (b) A person who reexecutes and rerecords a document under Subsection (8), or records an affidavit under Subsection (9), shall include with the document or affidavit a notice containing the name and address to which real property valuation and tax notices shall be mailed.

Amended by Chapter 89, 2014 General Session

Amended by Chapter 151, 2014 General Session